# GOVERNMENT OF INDIA
# LAW AND JUSTICE
# LOK SABHA

UNSTARRED QUESTION NO:2755
ANSWERED ON:08.08.2003
ELECTORAL REFORMS
SULTAN SALAHUDDIN OWAISI

**Will the Minister of LAW AND JUSTICE be pleased to state:**

(a) whether despite various recommendations of the Election Commission of India, Dinesh Goswami Committee and Indrajit Gupta Committee and Law Commission of India, Government have failed to bring forward and implement electoral reforms in the country;

(b) if so, the reasons therefor;

(c) the number of times the Government interacted this process with the political parties during the last three years;

(d) whether any consensus has been arrived on these interactions and if so, the details of the issues; and

(e) the steps taken or being taken by the Government for speedy implementation of the electoral reforms?

## Answer

MINISTER OF STATE FOR LAW AND JUSTICE (SHRI P.C. THOMAS)

(a) No, Sir. Several electoral reforms have already been made during the last three years, a gist of which is given in Statement - I laid on the Table of the House

(b) Does not arise.

(c) and (d) During the last three years, the Government has convened all-party meetings on 13.5.2000, 13.9.2001, 8.7.2002, 2.8.2002, 7.3.2003 and 13.3.2003, seeking to evolve consensus on various items of electoral reforms. The details of agenda items and the items on which there was consensus, are given in Statement - II laid on the Table of the House.

(e) The Government has been continuously engaged in the process of electoral reforms as is evident from the enactments made in the recent past and the various legislations on the subject which are pending in Parliament. These legislations include the Constitution (Eighty-fifth Amendment) Bill, 1999 [Women`s reservation Bill],the Election and Other Related Laws (Amendment) Bill, 2003 [seeking to bring transparency in the funding of political parties - passed by the Parliament], the Representation of the People (Amendment) Bill, 2003 [seeking to waive residential requirement of a particular State or Union territory for contesting the Rajya Sabha elections and to introduce open ballot system in place of the existing secret ballot system in elections to the Rajya Sabha - passed by the Rajya Sabha and pending for consideration and passing by the Lok Sabha] and the Constitution (Ninety-seventh Amendment), Bill, 2003 [seeking to restrict the size of the Council of Ministers, amend the Tenth Schedule (Anti-Defection Law) and prevent a defector from holding a remunerative political post - pending for consideration and passing in Lok Sabha - pending before the Department-related Parliamentary Standing Committee on Home Affairs]. Further, the Government has circulated a paper amongst all recognized political parties inviting their comments / views on a series of proposals on electoral reforms.

STATEMENT - I REFERRED TO IN REPLY TO PART (a) OF THE LOK SABHA UNSTARRED QUESTION NO. 2755 D/ 8.8.2003

List of enactments made during the last three years: -

(1) Constitution (Eighty-fourth Amendment) Act, 2001 - enabling delimitation of electoral constituencies, while putting a bar on increasing the number of seats allotted to the States in the Lok Sabha and their Legislative Assemblies till the year 2026.

(2) Delimitation Act, 2002 - A consequential enactment in pursuance of the Constitution (Eighty-fourth Amendment) Act, 2001, enabling constitution of a Delimitation Commission.

(3) Representation of the People (Amendment) Act, 2002 - For strengthening section 8 of the Representation of the People Act, 1951, bringing sub-sections (1) of section 8 relating to the commencement of disqualification period at par with sub-section (2) and (3) thereof as also bringing the offences under the Commission of Sati (Prevention) Act, 1987, the Prevention of Corruption Act, 1988 and the Prevention of Terrorism Act, 2002 under the purview of the said section.

(4) Representation of the People (Second Amendment) Act, 2002 - enabling conduct of elections to the Legislative Council in the State of Bihar from local authorities` constituencies.

(5) Representation of the People (Third Amendment) Act, 2002 - Requiring the candidates to give information about specified offences and convictions in criminal cases.

(6) Elections Laws (Amendment) Act, 2003 - Providing an additional option to the members of the Armed Forces and the forces to which the provisions of the Army Act, 1950 is made applicable, with or without modifications, to vote through the system of proxy at elections to the Lok Sabha and States` Legislative Assemblies.

(7) Constitution (Eighty-seventh Amendment) Act, 2003 - enabling delimitation of electoral constituencies on the basis of 2001 population census.

STATEMENT - II REFERRED TO IN REPLY TO PARTS (c) AND (d) OF THE LOK SABHA UNSTARRED QUESTION NO DATED 8.8.2003

Details of meetings on electoral reforms convened by the Government during the last three years: -

I. MEETING OF POLITICAL PARTIES HELD ON 13.5.2000

AGENDA ITEMS

1. Amendment of the Constitution to further extend the embargo on undertaking fresh delimitation upto the year 2026AD or until the figures of the census to be conducted thereafter become available.

2. Delimitation of constituencies contained within a State, without altering the number of seats in legislatures presently allotted, so as to remove the imbalances caused due to uneven growth of population/electorate in different constituencies.

3. To allow rotation of reserved constituencies; and

4. To entrust the job of delimitation along with all associated issues to the Election Commission of India on permanent basis.

CONSENSUS

Consensus was achieved on the proposal that the then existing constitutional embargo on undertaking delimitation of constituencies may be extended upto year 2026 AD as far as the number of the seats in Lok Sabha and their distribution among States and the number of seats in States` Legislative Assemblies are concerned.

II. MEETING OF POLITICAL PARTIERS HELD ON 13.9.2001

AGENDA ITEMS

1. Strengthening of provisions of disqualification to check corrupt and criminal elements from entering into electoral politics;

2. Declaration of assets, etc. by candidates at the time of filing of nomination papers for election;

3. Restriction on contesting election from more than one constituency;

4. Provision of an additional facility to vote by the system of proxy for members of the armed forces, etc. - the Election Laws (Amendment) Bill, 1999 - recommendations of the Department-related Parliamentary Standing Committee on Home Affairs;

5. Regulation of finances of the political parties and State Funding of Elections.

CONSENSUS

In the meeting, it was decided that the sub-section (1) of section 8 of Representation of the People Act, 1951 may be brought at par with the sub-sections (2) and (3) of same section. Sub-section (1) of section 8 in its then existing form provided that a person convicted of offences mentioned in sub-section (1) shall be disqualified for six years irrespective of term of his conviction. This resulted in an anomalous situation whereby a rapist convicted for 10 years was disqualified for only six years and was able to contest election while still in prison. The sub-sections (2) and (3) of the same section, however, provided disqualification for six years in addition to period of conviction.

III. MEETINGS OF POLITICAL PARTIES HELD ON 8.7.2002 AND 2.8.2002

The Government held a meeting of all the recognized political parties on the 8th July, 2002 with a view to evolving consensus regarding amendments required in the Representation of the People Act, 1951 as well as nomination forms appended to the Conduct of Elections Rules, 1961 so as to consider some of the concerns expressed in the directions given by the Supreme Court to the Election Commission of India on 2.5.2002 on the subject of criminalisation of politics.The representatives of the various political parties unanimously expressed the view that there was need to curb criminalisation of politics and suggested that the Government may circulate a draft Bill for consideration of the political parties. Accordingly, a draft bill was circulated amongst the political parties which besides seeking information about the criminal backgrounds of the contesting candidate also sought to disqualify those candidates against whom two cases of heinous offences had been filed in which ! charges had been framed. Another meeting of the political parties was held on the 2nd August, 2002 with a view to finalizing the Bill, namely the Representation of the People (Amendment) Bill, 2002, later promulgated as the Representation of the People (Amendment) Ordinance, 2002 on 24.8.2002, which

was replaced with Representation of the People (Third Amendment) Act, 2002.

IV. MEETING OF POLITICAL PARTIERS HELD ON 7.3.2003

An all-party meeting was convened on 7.3.2003 under the Chairmanship of the Prime Minister on the provisions of the Constitution (Eighty-fifth Amendment) Bill, 1999 which seeks to provide that not less than one-third seats shall be reserved for women in the Lok Sabha and the Legislative Assemblies of States. The said bill is pending for consideration and passing in Lok Sabha due to want of consensus on the provisions of the Bill. The said meeting failed to evolve the necessary consensus in this regard.

V. MEETING OF POLITICAL PARTIERS HELD ON 13.3.2003

An all-party meeting was held on 13.3.2003 to discuss the functioning of the Delimitation Commission constituted under the provisions of the Delimitation Act, 2002. It was decided to request the Delimitation Commission to revise its guidelines for consultation with Associate Members. It was also decided to provide for delimitation on the basis of 2001 census.